

REMARKS

Claims 1-23 are presented for consideration, with Claims 1 and 13 being independent.

Independent Claims 1 and 13 have been amended to further distinguish Applicants' invention from the cited art. In addition, editorial changes have been made to Claims 3 and 15.

The amendments to the claims were not presented earlier as it was believed that the previously presented claims would be found allowable. This Amendment does not add any additional claims. Moreover, the Examiner's familiarity with the subject matter of the present application will allow an appreciation of the significance of the amendments herein without undue expenditure of time and effort. Finally, the Amendment does not raise new issues requiring further consideration or search. Accordingly, it is submitted that consideration and entry of the Amendment is appropriate.

Initially, the Office Action notes that certified copies of the priority documents have not been filed. It is respectfully submitted, however, that a Submission of Priority Documents, with the certified copies, was filed on July 9, 2004, as evidenced by the attached U.S. Patent and Trademark Office date-stamped postcard receipt. Nonetheless, Applicants are submitting a Second Submission of Priority Documents, dated today, along with a cover page and drawings for each certified priority document (complete copies of the priority documents are not maintained in Applicants' U.S. file). Accordingly, acknowledgment of receiving the certified copies of the priority documents is respectfully requested.

Claims 1, 5 and 12 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Shinohara '663. Claims 2 and 3 are rejected under 35 U.S.C. §103 as allegedly being obvious over Shinohara in view of Japanese Laid-Open Patent Application '262 (hereafter JPA '262). Claims 4, 7, 8, 13, 16, 18, 19 and 23 are rejected as allegedly being obvious over Shinohara in view of Mizoe '856. Claim 6 is rejected as allegedly being obvious over Shinohara in view of Okamoto '511. Claim 17 is rejected as allegedly being obvious over Shinohara, Mizoe and Okamoto. Claims 20 and 21 are rejected as allegedly being obvious over Shinohara, Mizoe and Hare '735. Claim 11 is rejected as allegedly being obvious over Shinohara and Naka '151. Claims 14 and 15 are rejected as allegedly being obvious over Shinohara, Mizoe and JPA '262. Finally, Claim 22 is rejected as allegedly being obvious over Shinohara, Mizoe and Naka. These rejections are respectfully traversed.

Claim 1 of Applicants' invention relates to a developing apparatus comprised of a developer carrying member for carrying a developer, a developer regulating member, contacted to the developer carrying member, for regulating a thickness of a layer of the developer on the developer carrying member, and a lubricant provided in a contact portion between the developer carrying member and the developer regulating member. As amended, Claim 1 recites that the lubricant is provided without the developer carried on the developer carrying member. As also claimed, a charge polarity of the lubricant is opposite to a charge polarity of the developer, and a weight average particle size of the lubricant is not more than 1/3 of a weight average particle size of the developer.

In Claim 13, a developing apparatus includes a developer carrying member and a developer regulating member as set forth in Claim 1. As also recited in Claim 1, a lubricant is provided in a contact portion between the developer carrying member and the developer regulating member without the developer carried on the developer carrying member. A charge polarity of the lubricant is opposite to a charge polarity of the developer, and the weight average particle size of the lubricant is smaller than an arithmetic average roughness Ra value of a surface of the developer carrying member.

In accordance with Applicants' claimed invention, a high performance developing apparatus can be provided.

The primary citation to Shinohara relates to an image forming apparatus provided with an image bearing member 1, a process cartridge 43, a transfer roller 13 and a fixing apparatus 19 (see Figure 1). A toner 8 is provided on a development sleeve 10 and, as pointed out in the Office Action, the developer includes an external additive, i.e., a lubricant. As discussed in the previous Amendment of September 14, 2006, Shinohara teaches the application of the external additive to the developer, and as such cannot be said to teach or suggest providing a lubricant in a contact portion between the developer carrying member and the developer regulating member without the developer carried on the developer carrying member, as now set forth in Applicants' Claim 1. It is respectfully submitted, therefore, that Shinohara fails to anticipate or render obvious Applicants' claimed invention, and therefore the rejection of Claims 1, 5 and 12 under 35 U.S.C. §102(b) is respectfully requested.

With respect to independent Claim 13, the Office Action acknowledges that Shinohara does not teach a weight average particle size of the lubricant being smaller than an arithmetic average roughness value of a surface of the developing carrying member. The secondary citation to Mizoe is cited to compensate for this deficiency. In this regard, it is submitted that Mizoe fails to compensate for the deficiencies in Shinohara with respect to providing the lubricant in the contact portion without the developer carried on the developer carrying member. Instead, Mizoe is read merely to teach the application of an external additive to the developer. Mizoe, like Shinohara, therefore fails to provide a lubricant in the contact portion without the developer carried on the developer carrying member, as set forth in Claim 13.

Thus, without conceding the propriety of combining Shinohara and Mizoe in the manner proposed in the Office Action, such a combination still fails to teach or suggest Applicants' Claim 13. Accordingly, reconsideration and withdrawal of the rejection of Claims 4, 7, 8, 13, 16, 18, 19 and 23 under 35 U.S.C. §103 is respectfully requested.

JPA '262 similarly fails to compensate for the deficiencies in Shinohara as well as Mizoe. JPA '262, discussed in the Related Art section of the specification, discloses coating a developing sleeve with a lubricant provided between a developer carrying member and a developer regulating member before the developer is carried on the developer carrying member. In JPA '262, however, the charge polarity or the weight average particle size of the lubricant is

insufficient to teach or suggest the features of Applicants' claimed invention. Moreover, since Shinohara teaches adding the lubricant and the developer together before application to the developer carrying member for the expressed purposes of preventing a "flowing image effect" and polishing a peripheral surface of the image bearing member, it would not have been obvious to modify Shinohara in view of JPA '262 without the benefit of impermissible hindsight.

The tertiary citation to Okamoto relates to a developing apparatus and was cited for its teaching of providing a lubricant of foreign resin material particles. The tertiary citation to Hare relates to an image transfer sheet and is relied upon for its specified coating amount of lubricant on the developer regulating member. The Naka patent relates to a toner manufacturing method and is cited for its teaching of a particle size.

These tertiary citations fail, however, to compensate for the deficiencies in the art discussed above with respect to independent Claims 1 and 13. Therefore, without conceding the propriety of the proposed combinations of art, reconsideration and withdrawal of the remaining rejections under 35 U.S.C. §103 are respectfully requested.

Accordingly, it is submitted that Applicants' invention as set forth in independent Claims 1 and 13 is patentable over the cited art. In addition, dependent Claims 2-12 and 14-23 set forth additional features of Applicants' invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Scott D. Malpede/

Scott D. Malpede
Attorney for Applicants
Registration No. 32,533

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

WMW\SDM\vrnm

DC_MAIN 266077v1